

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RATANYA SHAVETTE HARRIS,

Plaintiff,

v.

Case No. 14-C-107

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

ORDER GRANTING MOTION FOR REMAND

The Commissioner has filed a motion for remand and final judgment in the above matter. The Commissioner states “[o]n considering Plaintiff’s arguments to this court and the administrative record, the Social Security Administration determined that this case should be remanded for further consideration and a new decision” (ECF No. 19.) Plaintiff objects to such a remand for several reasons, including that the Administrative Law Judge (ALJ) has already had ample opportunity to consider whether she is disabled, and that a remand, and further delay, would not be fair. Plaintiff requests an order for final judgment awarding her benefits instead. (ECF No. 21.)

Although I appreciate the Plaintiff’s frustrations, “An award of benefits is appropriate . . . only if all factual issues involved in the entitlement determination have been resolved and the resulting record supports *only one conclusion*—that the applicant qualifies for disability benefits.” *Allord v. Astrue*, 631 F.3d 411, 415 (7th Cir. 2011) (emphasis added). I cannot say that this record supports only the conclusion that Plaintiff is disabled. Accordingly, the Commissioner’s motion for remand and final judgment is hereby **GRANTED**. On remand, the ALJ will further

evaluate Plaintiff's medically determinable impairments including obesity and sleep apnea at step two; further evaluate the credibility of the claimant's allegations; and reassess the residual functional capacity. If warranted the ALJ will obtain evidence from a vocational expert to clarify the effect of the assessed limitations on the claimant's occupational base. The Clerk is directed to enter final judgment accordingly.

Dated this 22nd day of October, 2014.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court